

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT COURT OF TENNESSEE AT WESTERN DIVISION**

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**IVA JOY AND WILLIAM JOY,**

**Plaintiffs,**

**vs.**

**CASE NO. 1:20-CV-01131-STA-jay  
JJURY DEMAND**

**AMGUARD INSURANCE COMPANY,**

**Defendants/Third-Party Plaintiff.**

**vs.**

**ANTHONY LANCASTER INSURANCE  
AGENCY, INC. and ANTHONY  
LANCASTER,**

**Third-Party Defendants.**

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**AMGUARD INSURANCE COMPANY'S RULE 50  
MOTION FOR JUDGEMENT AS A MATTER OF LAW  
And  
POST TRIAL BRIEF ORDERED BY THE COURT**

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Comes now Defendant/Third-Party Plaintiff, AmGuard Insurance Company (hereinafter referred to as “AmGuard”) by and through counsel, and pursuant to Rule 50 of the Federal Rules of Civil Procedure, hereby renews its Motion for Judgement as a Matter of Law and otherwise respectfully submits its Post Trial Brief ordered by this Court. [See Minute Entry, doc. 149].

In support of this Motion, AmGuard would show that the jury found that AmGuard proved by a preponderance of the evidence that Iva Joy made a material misrepresentation on the Proposal of Insurance. [See Verdict, doc. 150, p.1]. The material misrepresentation increased the risk of loss to AmGuard as a matter of law. Accordingly, the insurance policy at issue in this

litigation is void ab-initio. AmGuard is entitled to judgement as a matter of law because it was fully justified in denying Plaintiffs' claim under the policy.

In support of this Motion, AmGuard relies on the Legal Memorandum in Support of Rule 50 Motion for Judgement as a Matter of Law and Post Trial Brief.

Respectfully submitted,

MCANGUS GOUDELOCK & COURIE, LLC

**/s/ Brian F. Walthart**

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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This the 12<sup>th</sup> day of July, 2022.

**/s/ Brian F. Walthart**  
BRIAN F. WALTHART